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PATENT  
Atty. Docket No. CPC-003CPCN2  
(1419/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Biondi *et al.* CONFIRMATION NO.: 4149  
SERIAL NUMBER: 09/931,572 GROUP ART UNIT: 3761  
FILING DATE: August 14, 2001 EXAMINER: Mitchell, T.  
TITLE: VENTILATOR CONTROL SYSTEM AND METHOD

AMENDMENT, PETITION AND FEE TO CORRECT INVENTIVE ENTITY  
UNDER 37 C.F.R. 1.48(b)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
MAY 22 2003  
TECHNOLOGY CENTER R3700

1. This is an amendment and petition to:  
(check each applicable item)
- ☐ correct under 37 CFR 1.48(a) the incorrect naming of inventor(s) in a previously executed oath or declaration under 37 CFR 1.63.
- and/or
- ☒ delete inventor under 37 CFR 1.48(b) for subject matter no longer claimed.
- and/or
- ☐ add inventor(s) for subject matter disclosed in the application but previously unclaimed under 37 CFR 1.48(c).
2. Applicants request that, in view of statements herein and/or attachments provided herewith, the below-named Inventor(s) be deleted from the Inventive Entity for this application as originally filed on August 14, 2001.
- (please check and complete all applicable items)
- ☐ The person(s) to be added as inventor(s) of this application are:  
\_\_\_\_\_
- ☒ The inventor to be deleted from this application is:

05/21/2003 RHEBRAHT 00000157 09931572

03 FC:1460

130.00 OP

Applicants: Biondi *et al.*  
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Gerhardt P. Schroeder

**3. Attachments**

- ☐ As this Petition is submitted under 37 CFR 1.48(a) and/or (c):
- ☐ a statement under 37 CFR 1.48(a) from each person that the error in inventorship occurred without deceptive intent on their part.
  - ☐ a statement under 37 CFR 1.48(c) from each person being added to the inventive entity that the amendment is necessitated by amendment of the claims and that error in inventorship occurred without deceptive intent on his or her part.
  - ☐ a declaration under 37 CFR 1.63 executed by the actual inventor(s) of the originally-filed application.
  - ☐ written consent of the assignee (if any) of an assignment executed by the previously named inventor(s).

**4. Statement**

- ☒ As this Petition is submitted under 37 CFR 1.48(b), Applicants hereby acknowledge that the invention of Gerhardt P. Schroeder is no longer being claimed in the pending nonprovisional application.

**5. Fee Payment (37 CFR 1.17(i))**

The fee required for consideration of this petition is paid as follows:

- required ☒ Enclosed is one check in the amount of \$130.00 representing the Petition fee under 37 C.F.R. 1.48(b).
- ☒ Charge Account 20-0531 for any fee deficiency.
- ☐ Charge Account 20-0531 the sum of \$130.00.

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**6. Amendment of Inventive Entity.**

Upon grant of this Petition, Applicants request the following Amendment to the application:

In the Inventive Entity:

After "Douglas M. Johnson", kindly delete "Gerhardt P. Schroeder"

No new matter has been introduced as a result of the present amendment.


The amended inventive entity accordingly is as follows:

James W. Biondi, Douglas M. Johnson, Donald D. Gilmore, and Robert Reynolds

**If, for any reason, this Petition is found not to comply with the requirements of 37 CFR 1.48(a), (b) and/or (c), or is otherwise found improper, it is requested that the attorney/agent of record be contacted by telephone.**

Respectfully submitted,

Date: May 19, 2003

  
\_\_\_\_\_  
James W. Biondi, M.D.  
CEO of Cardiopulmonary Corporation  
Assignee

2627003

**FEE TRANSMITTAL**  
**FY 2003**

Complete if Known

Application Serial Number	09/931,572
Filing Date	August 14, 2001
First Named Inventor	Biondi
Group Art Unit	3761
Examiner Name	T. Mitchell
Attorney Docket No.	CPC-003CPCN2

**METHOD OF PAYMENT**

Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.

☐ Required Fees (copy of this sheet enclosed).

☒ Additional fee required under 37 CFR 1.16 and 1.17.

☒ Overpayment Credit.

3. ☐ Applicant claims small entity status.

**FEE CALCULATION****1. FILING FEE**

Large Entity

Fee (\$)	Fee Description	Fee Paid
750	Utility filing fee	
330	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 84.00 =

☐ Multiple Dependent Claim(s), if any \$280.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$)

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total 28	- 28 =	0	x \$ 18.00 =	0.00
Indep. 11	- 11 =	0	x \$ 84.00 =	0.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$280.00 =	

TOTAL: (\$0.00)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$0.00)

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
410	205	Extension for reply within second month	
930	465	Extension for reply within third month	930.00
1450	725	Extension for reply within fourth month	
1970	985	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
130	130	Petitions to the Commissioner	130.00
180	180	Submission of Information Disclosure Statement	
750	375	Filing a submission after final rejection (37 CFR 1.129(a))	
750	375	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
Other fee (Specify)	Terminal Disclaimer	110.00	
Other fee (Specify)	Request for Continued Examination	750.00	

SUBTOTAL (3) (\$ 0.00)

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SUBTOTAL (1) 1920.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 0.00

TOTAL (\$ 1920.00)

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
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**SIGNATURE BLOCK**

Date: May 19, 2003  
 Reg. No.: 35,722  
 Tel. No.: (617) 248-7738  
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Respectfully submitted,

*Thomas A. Turano*  
 Thomas A. Turano  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibault, LLP  
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 Boston, MA 02110